**THE HON'BLE SRI JUSTICE G.CHANDRAIAH**

**WRIT PETITION No.10827 of 2007**

**DATE: 23.05.2007**

Between:

The Narasaraopet Parisuddha panivarala seva sangham,
rep. by its President Chinatagunta Ravi
and others.

.. Petitioners

And

The Narsaraopet Municipality,
Rep. by its Commissioner, Narasaraopet,
Guntur District.

.. Respondent

**THE HON'BLE SRI JUSTICE G.CHANDRAIAH**

**WRIT PETITION No.10827 of 2007**

**ORDER:**

This writ petition is filed to issue a writ order or direction more particularly one in the nature of Writ of Mandamus declaring the action of the respondent in issuing the tender notice for the year 2007-2008 in Roc.No.676/2007/F1 dated 10.05.2007 as illegal, arbitrary and violation of principles of natural justice, and consequently direct the respondent to continue the petitioners as contractors to conduct cleaning works in the Municipality from ward No.1 to 34 for the financial year 2007-2008.

The case of the petitioners is that they are running the registered Co-operative Societies, that they all belong to Scheduled Caste/Schedule Tribe and Vaddera Communities, that they have formed themselves as society for the purpose of improving their living conditions and also eking out their livelihood by participating in the tenders relating to the present works along with all other departments.

Further, it is their case that pursuant to the tender notification issued by the respondent Municipality as per G.O.Ms.No.581 dated 06.11.1996 to supply rickshaws, rickshaw pullers and tractors to the respondent Municipality for cleaning works in the Municipality for the year 2006-2007, they all participated in the above tenders and have become successful tenderers from ward No.1 to 34 including night sweeping also and since then, without any remark, the petitioners

have completed the contract with utmost satisfaction of the higher authorities and general public.

It is also their case that by expending huge amounts, they purchased rickshaws and tractors, which are specially made, to carry the waste material within the premises of the Municipality and that they are not useful for any other purpose. Now, the petitioners are ready and willing to perform the contract work for the financial year 2007-2008 as per the previous rates accepted by them during the year 2006-2007. While so, the respondent called for the tenders for the financial year 2007-2008 dated 10.05.2007 in Roc.No.676/2007/F1 for the same works. It is stated that, subsequently, all the petitioners made a representation dated 15.03.2007 to the respondent requesting to extend the contract period for one more year i.e., financial year 2007-2008, but the respondent refused to accede their request and did not take any action on their representation.

It is their further case that they are having experience in conducting the contract works in Municipality for the cleaning purpose and that if the tender notice issued by the respondent for the year 2007-2008 is allowed to continue, they will be put to huge financial loss, therefore, the present writ petition is filed.

It is contended by the learned counsel for the petitioners that the petitioners belong to Scheduled Caste and Scheduled Tribe and that pursuant to the tender notice issued by the Municipality during the year 2006-2007, the contract work of cleaning in the vicinity of the Municipality was allotted to them, for which purpose they purchased special rickshaws and tractors and completed the said contract work with utmost satisfaction of the higher authorities and general public,

and that if the petitioners do not get the same contract work pursuant to the impugned tender notice issued by the respondent for the financial year 2007-2008, they will be put to huge financial loss as they purchased special rickshaws and tractors for carrying the waste material within the premises of the Municipality. Further, as the petitioners are on labour contract and they have sufficient experience in executing municipal cleaning works, they made a representation to the Municipal authorities for allotting the contract works of cleaning in the vicinity of the Municipality to them without conducting any auction, and that even though the petitioners do not have any right of allotting the contract work in their favour, but because of the previous experience, their case may be considered for allotting the said contract to them for the financial year 2007-2008 also.

The learned Standing Counsel for the respondent submits that the Municipality calls for tenders every year and it allots the contract works to the highest bidders in the same process as followed by them in this financial year 2007-2008 and that the impugned tender notice has not suffered from any legal infirmity so as to interfere with it.

Having regard to the submission made by the learned counsel for the petitioners, in the instant case, since no legal infirmity is pointed out with reference to the impugned tender notice, it cannot be interfered with. However, the learned counsel for the petitioners submits that the petitioners made a representation to the respondent Municipality, dated 15.03.2007, but the Municipality authorities have not taken any action on the said representation. Therefore, I am of the view that I do not find any justification to interfere with the impugned tender notice, but it is for the respondent authorities to consider the representation made by the petitioners on 15.03.2007 and pass

appropriate orders thereof in accordance with law.

With the above direction, the writ petition stands disposed of. No costs.

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(G.CHANDRAIAH,J)

Dt.23.05.2007